

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

LARWENCE C. MYNSBERGE

Plaintiff,

v.

CASE NO. 18-CV-2038

**UNITED STATES OFFICE OF PERSONNEL
MANAGEMENT,**

Defendant.

**NOTICE OF MOTION AND MOTION
TO CHANGE VENUE**

TO: Office of Personnel Management
1900 E. Street NW
Washington, DC 20415

PLEASE TAKE NOTICE that the plaintiff, Lawrence C. Mynsberge, by his attorneys, Dempsey Law Firm, LLP, hereby moves the U.S. District Court for the Eastern District of Wisconsin, Green Bay Division, the Honorable William C. Griesbach, presiding, for an Order pursuant to 18 USC. § 1404(a) transferring this case to the United States District Court for the Western District of Wisconsin.

This motion shall be heard, if necessary, on a date and time to be set by the Court. The grounds for this Motion are as follows:

1. This matter should have been filed in the Western District of Wisconsin initially. However, because of the holidays and technological differences between the Eastern and Western Districts, it was necessary to commence this case in the Eastern District of Wisconsin.

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2. Specifically, the statute of limitations on this action expires January 1, 2019. It was the undersigned's intention to file this suit the week after Christmas.

3. However, the undersigned's grandfather passed on December 22, 2018, and his funeral in Michigan (and all corresponding travel) encompassed the week after Christmas.

4. Upon returning to the state Saturday, December 29th, the undersigned contacted the Western District Clerk to obtain a case "shell." Unlike the Eastern District, the Western District clerks open a case number and "shell" for counsel and then counsel files the initiating document.

5. Upon sending the requisite documents to the Western District clerks, the undersigned received automatic responses advising that the clerks were out of the office until January 2, 2019.

6. The undersigned called the Western District clerk's office and received an emergency number for the chief clerk for matters that need to be filed outside of normal business hours.

7. The undersigned called the clerk on Saturday, December 29th, Sunday December 30th, and Monday, December 31st, in an effort to have a case shell opened. Each time the undersigned left a message with the undersigned's personal cell phone number for a return call.

8. Presumably, the chief clerk was on vacation and unable to return the call (which is completely understandable). However, to protect the Plaintiff's rights it was necessary to file prior to the expiration of the statute of limitations.

9. Accordingly, this suit was commenced in this Court as this Court has both personal and subject matter jurisdiction over the matter. Admittedly, however, as a resident of Marathon County the case would more properly be venued in the Western District.

WHEREFORE, Plaintiff respectfully requests the Court enter an Order transferring venue of this matter to the Western District of Wisconsin.

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Dated at Oshkosh, Wisconsin this 31ST day of December, 2018.

DEMPSEY LAW FIRM, LLP

Attorneys for Plaintiff

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